REMARKS

The Examiner provides a single post-allowance rejection to Claims 22-32 identified below:

I. Claims 22-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gosselin *et. al.* (U.S. Patent No. 5,789,441).

I. Claims 22-32 Are Not Anticipated

As the Examiner is well aware, a single reference must disclose each limitation of a claim in order for that reference to anticipate the claim. *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984). This criterion is not met with the Gosselin *et. al.* reference. Specificially, Gosselin *et. al.* does not teach an aerosolized solution.

The Examiner asserts that the element "suitable for aerosolization" lacks patentable weight. *Office Action pg 2 ln 17-18.* The Applicants disagree but have amended the claims to clarify that the composition is, in fact, aerosolized. This amendment is made not to acquiesce to the Examiners' argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application. Applicants hereby expressly reserving the right to prosecute the original (or similar) claims.

Gosselin *et. al.* is silent on aerosolized administration of leukotriene compositions: "... the agent may be administered ... intraarterially, intravenously, intraperitoneally, subcutaneously, intramuscularly, by injection, [or] by suppository ..." *Gosselin et. al. col 12 ln 24-27.* The Applicants argue, therefore, that Gosselin *et. al.* completely lacks the element of aerosolized administration of any leukotriene composition and, therefore, does not anticipate the Applicants' preferred embodiment. The Applicants respectfully request that the Examiner withdraw this rejection.

CONCLUSION

The Applicant believes that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that these grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants' encourage the Examiner to call the undersigned collect at 617.252.3353.

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APPENDIX I
MARKED-UP VERSION OF REWRITTEN CLAIMS
PURSUANT TO 37 CFR § 1.121 (c)(1)(ii)

22. (Amended) A solution for the treatment of a microbial infection, said solution comprising a sterile liquid vehicle and a leukotriene dissolved in said sterile liquid vehicle, [and] wherein said solution is aerosolized for administration to a subject [in a form suitable for aerosolization].

28. (Amended) A solution for the treatment of a microbial infection, said solution comprising a sterile liquid vehicle and a leukotriene dissolved in said sterile liquid vehicle, wherein said solution is [in a form suitable] in an intratracheal instillation device, said instillation device is selected from the group consisting of an endotracheal tube and a bronchoscope for intratracheal administration to a subject.